

PROB 12B
(12/98)

United States District Court
for
District of Southern Ohio
Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: **Brian E. Mooney**Case Number: **CR-00-04-2**Name of Sentencing Judicial Officer: **The Honorable Herman J. Weber**
United States Senior District JudgeDate of Original Sentence: **September 5, 2001**Original Offense: **Conspiracy to Possess with Intent to Distribute Methamphetamine in Excess of Five Grams and Marijuana**Original Sentence: **77 months in prison, 48 months of supervised release, a \$2,000 fine, and a \$100 special assessment**Type of Supervision: **Supervised Release**Date Supervision Commenced: **July 18, 2006**

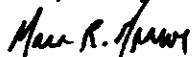
PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of years.
- ☒ To modify the conditions of supervision as follows: **Mooney will not consume any alcohol while on supervised release.**

CAUSE

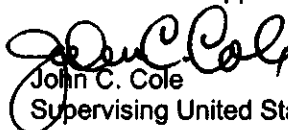
On July 20, 2006, Mooney submitted a urine sample that tested positive for alcohol. Furthermore, on August 14, 2006, he submitted a urine sample that tested positive for cocaine. Mooney signed a Waiver of Hearing to Modify Conditions of Supervised Release agreeing to not consume any alcohol while on supervised release.

Respectfully Submitted By,



Mark R. Grawe
United States Probation Officer
Date: October 30, 2006

Reviewed and Approved By,



John C. Cole
Supervising United States Probation Officer

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other


Signature of Judicial OfficerDate
11/1/06

PROB 49

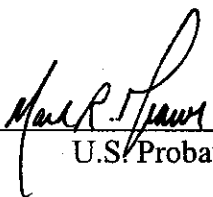
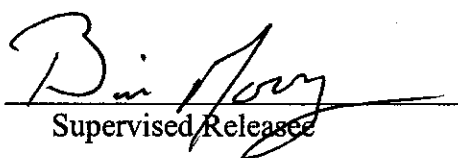
UNITED STATES DISTRICT COURT
Southern District of Ohio

**Waiver of Hearing to Modify Conditions
of Supervised Release**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Supervised Release. By "assistance of counsel" I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I also understand I have the right to contact an attorney prior to signing this waiver.

I hereby knowingly and voluntarily waive my right to consult an attorney before signing this waiver and I knowingly and voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Supervised Release.

Mooney will not consume any alcohol while on supervised release.

Witness:  Signed: 
U.S. Probation Officer Supervised Releasee
10-26-06
DATE